Remarks

Claims 1-34 are pending in the application. Claims 1-34 were rejected by the Examiner.

Claims 1, 4-10, 12-15, 18-22, 25-28, 31 and 33-34 were rejected under 35 USC 103(a) as being unpatentable over Giroux et al. (US Patent No. 6,370,116) in view of Macridis et al. (US Patent No. 6,643,515).

Claims 1, 3, 10-11, 15-18, 20-25, 29, 31-34 are amended. Claim 4 is canceled.

Examiner Interview

The applicant thanks the examiner for granting an interview on September 21, 2006. In claim 1, the examiner points out that "all input data" is too vague and suggests amending the claim to clarify the term "input data." The applicant subsequently amends claim 1 to require the input data comprises both real-time data and non real-time data. The applicant further amends claim 1 to require a controller to set the maximum transmission rate for the input data including the non real-time data equal to the committed information rate when the detector detects real-time input data. Specification page 4, lines 6-8 The applicant also amends claims 10, 15, 22, 25, and 31 to include identical limitations as in claim 1.

The examiner indicates his willingness for a new search based upon the amended claims.

Claim Rejections Under § 103

Giroux discloses an "elastic leaky bucket" algorithm for fair treatment of long frames. In particular, the entire frame is accepted regardless of length as long as there is any room at all in the bucket. See col. 5, lines 31-34. However, as the Examiner points out in the office action, Giroux fails to disclose detection of real-time input data and setting the maximum transmission rate to the first traffic rate upon detection of the real-time input data.

Macridis teaches a satellite communication system which provides communication

service between a mobile terminal and a network management center. In particular, variable

bandwidth is allocated to each call according to demand from the relevant application or from

the network management center. See col. 2, lines 32-41. Macridis does not teach a controller to

set a maximum transmission rate for the input data *including the non real-time data* equal to the

committed information rate when the detector detects real-time input data. Instead, Macridis

teaches setting a maximum bit rate equal to the committed bit rate for the voice signal and setting

a different bit rate for non real-time applications such as emails. The different bit rate can be

higher or lower than the committed bit rate depends on whether there is any unused channel

capacity. See Col. 9, lines 61-67.

As discussed above, Giroux does not teach the elements of the invention in claims 1, 10,

15, 22, 25, and 31, much less in the further embodiments of the dependent claims. Since

Macridis does not teach setting a maximum transmission rate equal to the committed information

rate for the input data *including the non real-time data* the addition of Macridis to the

combination does not overcome the deficiencies of Giroux in this regard.

It is therefore submitted that Claims 1, 4-10, 12-15, 18-22, 25-28, 31 and 33-34 are

patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2, 3, 11, 16-17, 23-24, 29-30 and 32 were rejected under 35 USC 103(a) as being

unpatentable over Giroux in view of Macridis and further in view of Chien et al. (US Patent No.

6,891,832).

As discussed above, the combination of Macridis and Giroux does not suggest the

teaching of the limitations recited in independent claims 1, 10, 15, 22, 25, and 31, much less in

the further embodiments of the dependent claims. Chien does not overcome this deficiency.

Therefore, Claims 2, 3, 11, 16-17, 23-24, 29-30 and 32 are patentably distinguishable over the prior art and allowance of these claims is requested.
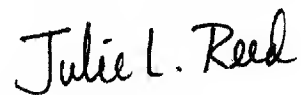
The references cited but not relied upon have been reviewed and are not considered pertinent to the Applicant's invention. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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